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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/799,992

Applicant(s)

PURCELL ET AL.

Examiner

KEVIN S. MAI

Art Unit

2456

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action has been issued in response to Applicant's Amendment filed January 26, 2009.
2. Claims 1, 12, 13, 15, 17, 25 and 27-29 have been amended. Claims 1-15 and 17-29 have been examined and are pending.

Response to Arguments

3. Applicant's arguments filed January 26, 2009 have been fully considered but they are not persuasive.
4. Applicant's arguments with respect to the 35 USC § 101 rejection of claim 28 have been considered but they are not persuasive. While applicant has amended a processor into the claim, the preamble still suggests that the claim is in fact claiming the signal itself (the data packet). The signal itself it a form of energy and not in any of the four categories of statutory subject matter.
5. Applicant's arguments with respect to claim 1 have been considered.
6. Applicant argues that Rajan does not disclose determining whether the sender is known or trusted before scanning the message with a filter and determining a junk score. This argument is moot in view of the new grounds of rejection.
7. Applicant argues that Rajan does not disclose tagging emails with a junk rating which is added as a property on the message. This argument is not persuasive. Rajan discloses placing emails in different directories according to their score. To the examiner this is seen to mean that the score was a property of the message to cause it to be sorted into the appropriate folder.

However, applicant appears to be implying that the difference is whether or not the score remains attached as a property to the email after the initial sorting. Applicant appears to imply that Rajan would not keep this score related to the emails after the initial sorting and that after the message was placed in the directory the score would no longer be directly related to the message.

Examiner disagrees that this would be the case. Rajan discloses in paragraph [0032] that emails that contain characteristics that would place it in two categories would include a visual indication to the user that the email is contained in more than one directory. Thus it is seen that the property of its rating is added to the email. In this case the property is shown for the situation where the message has a score that is in overlapping score ranges, however it would follow then that the rating for each message is still attached to the message even after the initial scoring.

Paragraph [0033] further discusses the ability of the system to readjust scores of emails according to a user's action on a similar email. The system is able to identify emails that are similar to the email that was modified by a user's action and then move them accordingly. To the examiner it would appear that such a feature would require the emails to have retained their score beyond the initial scoring such that the system would be able to readily identify similar emails.

8. Applicant's arguments with respect to claim 13 have been considered but they are not persuasive. Applicant argues that Rajan does not disclose a junk rating field the scores each message based on its likelihood of being spam. Examiner disagrees. Rajan discloses the directories where the emails will be classified to according to their score. Wherein the score is an indication of the probability that a message constitutes spam. Thus at least the scores of the messages represent the same thing. As to the junk rating field, the directories themselves are

seen to be the fields because they are indicative of the likelihood the messages contained in that directory are to constitute spam. Thus accordingly the red folder in paragraph [0019] of Rajan which contains messages that are rated 81-100 would be equivalent to applicants rating of 'very high' since the red folder indicates to the user that the messages inside are at high risk of being spam.

9. Applicant's arguments with respect to claims 2-12, 14, 15, and 17-29 have been considered but they are not persuasive. Applicant's arguments for these claims are the same as those used for claims 1 and 13 and as such examiner recites the same response used above.

Specification

10. In view of the amendments made to claim 29 the pending objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 112

11. In view of the amendments made to claim 1 the pending rejections under 35 USC § 112 to claims 1-12 have been withdrawn.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. In view of the amendments made to claim 1 the pending rejections under 35 USC § 101 to claims 1-12 have been withdrawn.

14. In view of the amendments made to claim 15 the pending rejections under 35 USC § 101 to claims 15 and 17-26 have been withdrawn.

15. In view of the amendments made to claim 13 the pending rejections under 35 USC § 101 to claims 13 and 14 have been withdrawn.

16. In view of the amendments made to claim 7 the pending rejection under 35 USC § 101 to claims 7 has been withdrawn.

17. In view of the amendments made to claim 27 the pending rejection under 35 USC § 101 to claims 27 has been withdrawn.

18. Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 is directed toward a data packet to be transmitted between two computer processes; this appears to be claiming a signal being sent. A signal is not considered to be statutory subject matter.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20. Claims 13, 14 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2005/0165895 to Rajan et al. (hereinafter "Rajan").

21. **As to Claim 13, Rajan discloses a user interface that facilitates identifying junk messages comprising**

a processor operable to execute the following (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors);
a junk rating field that can be acted upon by a user (Paragraph [0019] of Rajan discloses being able to set a number of directories that are representative of the probability that a mail is junk. These are seen to be junk rating fields), **the junk rating being determined at least in part upon determining a junk score and at least in part upon an analysis of the junk score** (Paragraph [0019] of Rajan discloses how the directories are assigned spaminess ranges. Thus it is seen that the junk rating is determined by the junk score), **the junk score is computed to reflect a spam confidence level of a message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail), **wherein the junk score is a value or fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information), **and the spam confidence level corresponds to a probability that the message is spam or junk** Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam).

22. **As to Claim 14**, Rajan discloses the invention as claimed as described in claim 13, **messages can be sorted and/or grouped according to their respective junk ratings**

(Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

23. **As to Claim 28**, Rajan discloses **a data packet adapted to be transmitted between two or more computer processes facilitating easier viewing and management of incoming messages, the data packet comprising: information associated with receiving a plurality of incoming messages** (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received); **assigning a junk rating to the messages commensurate with at least their respective junk scores** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory), **wherein the junk scores are computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail), **and wherein the junk scores are values or fractional values between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information), **and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam); **and exposing at least one of the junk rating and the junk store on a user interface** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-

mail into the appropriately labeled directory. Where being in specific directory is seen as exposing the junk rating/score of a message); **and employing a processor to execute the viewing and management of incoming messages** (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

26. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

27. Claims 1-9, 12, 15, 17-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan and further in view of US Pub. No. 2005/0080855 to Murray (hereinafter "Murray").

28. **As to Claim 1, Rajan discloses a junk message interface system that facilitates identifying junk messages comprising:**

a processor for executing the following components (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors);

a message receiving component that collects at least one incoming message (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received);

a filtering component determining a junk score for the incoming message (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded), **the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail), **wherein the junk score is a value or fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information), **and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail

that is graded with a medium level of spaminess is representative of probably constituting spam.

Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam), **wherein once the message has been scored, the message is bucketized based on the determined junk score and tagged with a junk rating which is added as a property on the message.** (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score). It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders. Furthermore paragraph [0032] discloses that emails that contain characteristics that would place it in two categories would include a visual indication to the user that the email is contained in more than one directory. Thus it is seen that the property of its rating is added to the email), **and**

wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the grey directory to the black); **and**

a display component that renders the junk scores as an actionable property on a user interface to facilitate user management of incoming junk messages communicated from the filtering component (Paragraph [0017] of Rajan discloses after grading the e-mail messages

they are then moved into the appropriately labeled directory. It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders)

Rajan does not explicitly disclose that accepts the incoming message communicated from the message receiving component and determines whether a sender is known or trusted before scanning the message with a filter.

However, Murray discloses this (Figure 2 of Murray discloses checking if the sender of an email is on a whitelist or a blacklist before categorizing the email message. Thus it determines whether or not a sender is known or trusted before scanning the message with the filter to categorize the email)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine providing scores based on the spaminess of incoming email as disclosed by Rajan, with checking if a sender is on a whitelist before categorizing the email as disclosed by Murray. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar systems in the same way. Both systems deal with preventing spam messages and as such applying Murray's filtering techniques to Rajan would be obvious for improved efficiency. Rajan further supports filtering according to sender in paragraph [0034] where it gives an example of being able to identify emails from the user's spouse.

29. **As to Claim 2**, Rajan-Murray discloses the invention as claimed as described in claim 1, **further comprising a view management component that provides one or more ways the user can modify treatment of the junk messages** (Paragraph [0031] of Rajan discloses the user being able to specify the number of spam directories desired. Additional user-settable

configurations may include the ability to name and color-code the spam directories, as well as the ability to assign their respective ranges).

30. **As to Claim 3**, Rajan-Murray discloses the invention as claimed as described in claim 2, **the view management component comprises any one of the following ways to mitigate against inadvertently opening a junk message comprising:**
sorting and/or grouping messages based at least in part on at least one of their respective junk scores and their respective junk ratings (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories);
filtering out messages with at least one of a junk score or a junk rating that does not satisfy at least a first criterion (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories);
setting one or more actions to take against the messages when at least one of the respective junk scores or junk ratings that do not satisfy at least a second criterion (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories); **and**
visually altering displays of messages according to at least one of their respective junk scores or junk ratings (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory).

31. **As to Claim 4**, Rajan-Murray discloses the invention as claimed as described in claim 3, **the first criterion is configurably different from the second criterion** (Paragraph [0031] of Rajan discloses being able to assign ranges associated with the directories).

32. **As to Claim 5**, Rajan-Murray discloses the invention as claimed as described in claim 3, **at least one of the first and second criteria is determined according to user preferences** (Paragraph [0031] of Rajan discloses a user being able to assign ranges associated with the directories).

33. **As to Claim 6**, Rajan-Murray discloses the invention as claimed as described in claim 3, **visually altering the displays comprises color-coding, changing fonts, font sizes, backgrounds, adding or altering images, and/or adding or altering sounds associated with the respective messages based at least in part on their respective junk scores** (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory. Although how the visual indication is achieved is not explicitly disclosed it is seen that all variants disclosed exist essentially to make messages stick out to the user. As such Rajan, having disclosed including a visual indication to the user, discloses the limitations above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the above variants to draw the attention of the user to the affected messages).

34. **As to Claim 7**, Rajan-Murray discloses the invention as claimed as described in claim 1, **further comprising an analysis component that examines junk scores of the incoming messages and orders them based at least in part on a spam confidence level associated with the respective messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

35. **As to Claim 8**, Rajan-Murray discloses the invention as claimed as described in claim 1, **the display component is a user-interface that exposes a message's junk score to a user so that the user can organize its messages based in part on the respective junk scores** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. The message having been moved to specific directories is seen to have been exposing the message's junk score. The directories themselves are seen to represent the messages having been organized based on their scores).

36. **As to Claim 9**, Rajan-Murray discloses the invention as claimed as described in claim 1, **the filtering component further determines whether a source of the message appears to be trusted based on at least one of the following: user's blocked senders list, safe-list, address book, and safe-mailing list** (Paragraph [0034] of Rajan discloses the system can base its decision on which directory receives an e-mail on criteria other than spaminess. For example, the system can mine a personal profile of the user to determine which is the appropriate directory for an e-mail).

37. **As to Claim 12**, Rajan-Murray discloses the invention as claimed as described in claim 1, **wherein the messages are bucketized based on the determined junk score so that the effects of features are seen only in aggregate, thereby mitigating reverse engineering of the junk score** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. This is seen as bucketizing the scores).

38. **As to Claim 15**, Rajan discloses **a method that facilitates identification of junk messages in a user's inbox comprising:**
employing a processor to execute the identification of junk messages (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors), **comprising:**
receiving a plurality of incoming messages (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received);
assigning a junk rating to the messages (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being in a particular directory is seen as having been assigned a rating);
exposing at least the junk rating on a user interface (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the

appropriately labeled directory. Where being in particular directory is seen as having exposed the junk rating); **and**

calculating a junk score for substantially all incoming messages (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded), **the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail), **wherein the junk score is a value or fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100.

Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information), **and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam);

bucketizing the message based on the calculated score (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score));

tagging the message with a junk rating which is added as a property on the message

(Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score). It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders. Furthermore paragraph [0032] discloses that emails that contain characteristics that would place

it in two categories would include a visual indication to the user that the email is contained in more than one directory. Thus it is seen that the property of its rating is added to the email); **and overriding the junk score via a user-based action that affects the junk score of the message and future messages** (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black).
Rajan does not explicitly disclose **determining whether a sender is known or trusted.**

However, Murray discloses this (Figure 2 of Murray discloses checking if the sender of an email is on a whitelist or a blacklist before categorizing the email message. Thus it determines whether or not a sender is known or trusted before scanning the message with the filter to categorize the email)

Examiner recites the same rationale to combine used in claim 1.

39. **As to Claim 17**, Rajan-Murray discloses the invention as claimed as described in claim 15, **wherein the messages are bucketized based on the calculated junk score** so that the effects of features are seen only in aggregate, thereby mitigating reverse engineering of the junk score (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. This is seen as bucketizing the scores).

40. **As to Claim 18**, Rajan-Murray discloses the invention as claimed as described in claim 15, **further comprising organizing junk messages based at least in part upon their junk rating** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

41. **As to Claim 19**, Rajan-Murray discloses the invention as claimed as described in claim 15, **further comprising determining whether at least one of the junk score or the junk rating exceed a first threshold; and removing messages that exceed the first threshold to mitigate inadvertent access of them by the user** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

42. **As to Claim 20**, Rajan-Murray discloses the invention as claimed as described in claim 19, **removing messages that exceed the first threshold before they are viewable on the user interface** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

43. **As to Claim 21**, Rajan-Murray discloses the invention as claimed as described in claim 15, **the junk rating is based at least in part on one of the following: junk score, one or more safe lists, one or more safe sender lists, user-based actions, and/or user-generated address book** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of

spaminess and then moving the e-mail into the appropriately labeled directory. Then paragraph [0033] of Rajan discloses being able to adjust placement of e-mails based on user voting. Then paragraph [0034] of Rajan discloses the system can mine a personal profile of the user to determine which is the appropriate directory for an e-mail).

44. **As to Claim 22**, Rajan-Murray discloses the invention as claimed as described in claim 21, **user-based actions comprises at least one of the following:**
unjunking a message by moving it from a junk state to a non-junk state resulting in an "unjunked" junk rating (Paragraph [0018] of Rajan discloses a user being able to vote on mail);
junking a message by moving it from a non-junk state to a junk state resulting in a "junked" junk rating (Paragraph [0033] of Rajan discloses a user being able to vote an e-mail as spam); **and**
adding a sender to one or more safe lists to change the junk rating of the message to safe (Paragraph [0034] of Rajan discloses the system being able to mine a personal profile of the user to determine which is the appropriate directory for an e-mail. An example given is all e-mail from the user's spouse would be place in an appropriate folder. Thus it is seen that a sender was added to a safe list).

45. **As to Claim 23**, Rajan-Murray discloses the invention as claimed as described in claim 22, **the user-based actions affect the junk rating of the message and/or future messages received from a particular sender** (Paragraph [0018] of Rajan discloses algorithms may be

employed to allow the recipient to vote on the mail to train the system to better determine spaminess according to the recipient's personal preferences).

46. **As to Claim 24**, Rajan-Murray discloses the invention as claimed as described in claim 15, **assigning a junk rating to messages commensurate with at least their respective junk scores** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

47. **As to Claim 25**, Rajan-Murray discloses the invention as claimed as described in claim 15, **bucketizing the message based on the calculated junk score comprises:** **providing a plurality of buckets comprising at least the following categorized buckets: an unscanned bucket, a light bucket, a medium bucket, and a high bucket, the plurality of buckets respectively assigned to a range of junk score values** (Paragraph [0019] of Rajan discloses being able to assign a variety of directories based on different ranges. The example given suggests five directories - Green, Blue, Yellow, Orange and Red with respective ranges of 0-20, 21-40, 41-60, 61-80 and 81-100. As to having an unscanned bucket it is seen that all incoming mail is inherently part of the unscanned bucket until otherwise sorted); **dropping messages into respective buckets based at least in part on their calculated junk score such that the respective bucket determines the junk rating for the respective messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

48. **As to Claim 26**, Rajan-Murray discloses the invention as claimed as described in claim 15, **further comprising exposing respective junk scores for the messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Since the ranges of the directories are known it is seen that knowing which directory the e-mail is in exposes the junk score of the message).

49. **As to Claim 27**, Rajan discloses a **system that facilitates identification of junk messages in a user's inbox comprising:**
a processor for executing the following (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors);
means for receiving a plurality of incoming messages (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received);
means for calculating a junk score for substantially all incoming messages (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded), **the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail), **wherein the junk score is a value of fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information), **and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam.

Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam);

means for assigning a junk rating to the messages commensurate with at least their respective junk scores (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory); **and means for exposing at least one of the junk rating and the junk store on a user interface** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being in specific directory is seen as exposing the junk rating/score of a message);

means for bucketizing the message based on the calculated junk score (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score));

means for tagging the message with a junk rating which is added as a property on the message (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score). It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders. Furthermore paragraph [0032] discloses that emails that contain characteristics that would place it in two categories would include a visual indication to the user that the email is contained in more than one directory. Thus it is seen that the property of its rating is added to the email); **and**

means for overriding the junk score via a user-based action that affects the junk score of the message and future messages (Paragraphs [0018], [0032] and [0033] of Rajan disclose

other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black).

Rajan does not explicitly disclose means for determining whether a sender is known or trusted.

However, Murray discloses this (Figure 2 of Murray discloses checking if the sender of an email is on a whitelist or a blacklist before categorizing the email message. Thus it determines whether or not a sender is known or trusted before scanning the message with the filter to categorize the email)

Examiner recites the same rationale to combine used in claim 1.

50. **As to Claim 29**, Rajan-Murray discloses a **computer storage media having stored thereon the system of claim 1** (Claim 11 of Rajan discloses a computer readable medium comprising instructions for the system disclosed by Rajan).

51. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan-Murray and further in view of US Pub. No. 2004/0148330 to Alspector et al (hereinafter "Alspector").

52. **As to Claim 6**, Rajan-Murray discloses the invention as claimed as described in claim 3, **visually altering the displays comprises color-coding, changing fonts, font sizes, backgrounds, adding or altering images, and/or adding or altering sounds associated with the respective messages based at least in part on their respective junk scores** (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory. Although how the visual indication is achieved is not explicitly disclosed it is seen that all variants disclosed exist essentially to make messages stick out to the user. As such Rajan, having disclosed including a visual indication to the user, discloses the limitations above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the above variants to draw the attention of the user to the affected messages).

However, Alspector discloses visually altering the display comprising color-coding (Paragraph [0040] of Alspector discloses displaying messages with higher spam scores in a darker shade of red than those with lower spam scores)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system of claim 3 as disclosed by Rajan-Murray, with color coding based on spam scores as disclosed by Alspector. One of ordinary skill in the art would have been motivated to combine because Rajan discloses including visual indications on emails place in more than one directory (paragraph [0032]).

53. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan-Murray and further in view of US Pub. No. 2005/0159136 to Rouse et al. (hereinafter "Rouse").

54. **As to Claim 10**, Rajan-Murray discloses the invention as claimed as described in claim 1. Rajan-Murray does not explicitly disclose **further comprising a verification component that requests confirmation regarding user-initiated actions on rated messages.**

However, Rouse discloses this (Paragraph [0062] of Rouse discloses enabling a user to delete selected messages. In addition, a delete message may be displayed to the user to confirm this action)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system of claim 1 as disclosed by Rajan-Murray, with requesting confirmation of user actions as disclosed by Rouse. One of ordinary skill in the art would have been motivated to combine to prevent a user from committing an action they did not intend. It is common for actions that have lasting effects to have some form of confirmation to prevent accidents.

55. **As to Claim 11**, Rajan-Murray-Rouse discloses the invention as claimed as described in claim 10, **the verification component fails user requests to perform an action with respect to a junk message until the user requests are verified by the users** (Paragraph [0062] of Rouse discloses enabling a user to delete selected messages. In addition, a delete message may be displayed to the user to confirm this action. It is inherent that when asking a user for confirmation of an action, the action would not take place until the user verifies the request).

Examiner recites the same rationale to combine used in claim 10.

Conclusion

56. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. S. M./

Examiner, Art Unit 2456

/Bunjod Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456